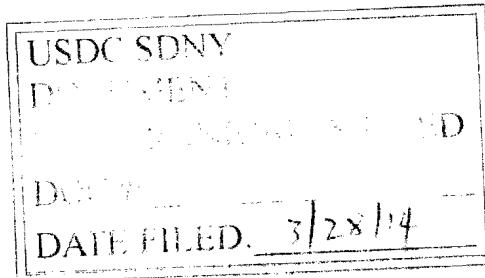


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March 26, 2014



BY HAND

Honorable Paul G. Gardephe
United States District Court for the
Southern District of New York
United States Courthouse
40 Foley Square
New York, NY 10007

MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.
Dated: March 28 2014

Re: United States v. Martoma, No. 12 Cr. 973 (PGG)

Dear Judge Gardephe:

We write with the consent of the United States Attorney's Office for the Southern District of New York ("USAO") to seek the Court's leave to make productions of certain documents covered by the Protective Order in this case (ECF No. 9) to plaintiffs in *Kaplan et al. v. S.A.C. Capital Advisors, L.P. et al.*, No. 12 Civ. 9350 (VM) (KNF).

The Court previously granted a similar request on August 21, 2013 (ECF No. 59), where the parties sought permission from the Court to produce documents identified in an agreed-upon stipulation signed by Mr. Martoma, and the *Kaplan* plaintiffs, with the consent of the Securities and Exchange Commission ("SEC"), and the USAO, which was endorsed by Judge Fox on August 14, 2013 ("Stipulation"). Now, we ask the Court for permission to make further productions of documents covered by the Protective Order in this case to the *Kaplan* plaintiffs, both pursuant to the Stipulation and otherwise.

Before any documents can be shared with the *Kaplan* plaintiffs, the parties must first seek the permission of this Court pursuant to the Protective Order, which provides that "any documents, the information contained therein, and other information" provided by the USAO to Mr. Martoma shall be "deemed confidential," and "shall be used by the defendant and/or his counsel

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solely for the purposes of this criminal action,” but that the defendant may seek leave from this Court for relief from this provision (emphasis added.)

Accordingly, pursuant to Paragraph 1 of the Protective Order, Mr. Martoma, with the consent of the USAO, seeks relief to allow the production of certain documents agreed upon by Mr. Martoma and the USAO, to the *Kaplan* plaintiffs. It is understood that the *Kaplan* plaintiffs would be strictly bound to the terms of the Protective Order, consistent with paragraph 3, which provides that recipients of confidential information “shall be subject to the terms of this Order.”

Sincerely,



Richard M. Strassberg

cc: All Counsel of Record
Charles Riely, SEC

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